

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS INC,

Plaintiff,

-against-

CRISINO VERGARA, et al,

Defendants.

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MEMORANDUM AND ORDER

Case No. 19-CV-2382 (FB) (VMS)

BLOCK, Senior District Judge:

Magistrate Judge Scanlon issued a Report and Recommendation (“R&R”) recommending that the motion for default judgment be denied, the complaint be dismissed without prejudice, and Plaintiff be given 30 days to file an amendment complaint. The R&R warned that “[f]ailure to file objections within the specified time waives the right to appeal.” R&R at 27. The Court entered an order setting February 20, 2020, as the deadline for objections. No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The

Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall deny the motion for default judgment, dismiss the complaint without prejudice, and provide Plaintiff with 30 days to file an amended complaint.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 2, 2020